IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No. 4284 of 2005

&

WRIT PETITION No : 4285 of 2005

WRIT PETITION No. 4284 of 2005

Between:

T. Gopa Raju S/o. Rama Raju, Hostel Welfare Officer,
Grade-II, S.T. Boys Hostel, Bayyaram, Khammam District.

..... PETITIONER

AND

1. The Project Officer, Integrated Tribal Development Agency,
   Bhadrachalam, Khammam District.
2. The Commissioner of Tribal Welfare,

Telugu Samkshama Bhavan, Masab Tank,
Hyderabad.

3 The District Tribal Welfare Officer, Bhadrachalam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a *Writ of Mandamus* calling for the records of the 1st Respondent issued in Proc. Rc. No. A1/DTWO/721/ 2004, dated. 13-1-2005 with regard to suspension of the Petitioner and set aside the same and further direct the respondents to reinstate the petitioner into service, by setting aside the Judgment of the A.P. Administrative Tribunal in O.A. No. 231/2005 dated 1-3-2005.

Counsel for the Petitioner: MR.P.V.SUBRAHMANYA SARMA

Counsel for the Respondents: GP FOR SERVICES II

WRIT PETITION NO : 4285 of 2005

Between:

P. Venkata Narasamma W/o Rama Rao, Hostel Welfare Officer,

Grade-II, S.T. Girls Hostel, Khammam, KhammamDistrict

..... PETITIONER

AND

1. The Project Officer, Integrated Tribal Development Agency, Bhadrachalam,

Khammam District
2. The Commissioner of Tribal Weffare Telugu Samkshma Bhavan,

Masab Tank, Hyderabad
3 The District Tribal Welfare Officer, Bhadrachalam,

Khammam District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus calling for the records of the 1st Respondent issued in Proc. Rc.No. A1/DTWO/702/ 2004, dated 13-1-2005 with regard to suspension of the Petitioner and set aside the same and further direct the respondents to reinstate the petitioner into service, by setting aside the Judgment of the A.P. Administrative Tribunal in O.A. No. 232/2005 dated 1-3-2005.

Counsel for the Petitioner: MR.P.V.SUBRAHMANYA SARMA

Counsel for the Respondents: GP FOR SERVICES II

The Court at the admission stage made the following:

COMMON ORDER:(Per Hon'ble Sri Justice G. Bikshapathy)

Both the writ petitions can be disposed of by a common order as the common question of law is involved.

2 . The petitioners were initially suspended from service by proceedings dated 08.04.2004 pending disciplinary enquiry. However, the suspension of the petitioners was raised. Thereafter, the charges were framed against the petitioners and also an enquiry was sought to be conducted. Since the petitioners did not submit their explanations to the said charges, and on that ground they were again suspended by the impugned order in Rc.No.A1/DTWO/721/2004, dated13.01.2005. The said suspension order came to be challenged before the Tribunal. The Tribunal, after considering the matter, disposed of the said O.A. with a direction to the respondents to complete the disciplinary enquiry, within a period of two months, failing which, the suspension order stands raised. The said order came to be challenged in these writ petitions by the employees concerned.

3. The learned counsel for the petitioner raised only one formidable contention viz. when once the suspension of the petitioners was raised pending disciplinary enquiry, it is not open for the authorities again to place them under suspension on the ground that they did not submit explanation even after a lapse of 8 months, and that cannot be taken as a ground to suspend the employees once again.

4. We have heard the learned counsel for the petitioner and the learned Government Pleader for Services-II.

5 . We are impressed with the contentions raised by the learned counsel for the petitioner. Simply because they did not submit their explanations, it cannot empower the authorities again to suspend the employees. However, it is open for the authorities to proceed with the enquiry in accordance with rules and pass appropriate orders.

6 . Under those circumstances, we satisfied that the order of suspension in Rc.No.A1/DTWO/721/2004, dated 13.01.2005 is wholly unsustainable and without jurisdiction, and the said suspension order is set aside.

7. Accordingly, we allow these writ petitions. However, this order shall not preclude the authorities from proceeding with the disciplinary enquiry. No costs.

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(G. BIKSHAPATHY, J)

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(P.S. NARAYANA, J)

Date: 04.03.2005

Note: Issue C.C. in two days.

B.O.

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Project Officer, Integrated Tribal Development Agency,
   Bhadrachalam, Khammam District.

2. The Commissioner of Tribal Welfare,

Telugu Samkshama Bhavan, Masab Tank,
Hyderabad.

3 The District Tribal Welfare Officer, Bhadrachalam, Khammam District.

4. 2 CCs to G.P. for Services-II, High Court Buildings, Hyderabad (OUT).

5. The Registrar, A.P. Administrative Tribunal, Hyderabad.

6. 2 CD copies

*Form-NIC-OGS/WP{**VSMI**}*